BORA LASKIN LAW LIBRARY
3 1761 03343 7369

ENTERTAINMENT AND SPORTS LAW

GORDON I. KIRKE, Q.C.

VOLUME 1: SPORTS LAW

1997

FACULTY OF LAW

UNIVERSITY OF TORONTO

CORA LASKIN LAW LIBRARY

AUG 22 1997

FACULTY OF LAW
UNIVERSITY OF TORONTO

BORA LASKIN LAW LIBRARY
UNIVERSITY OF TORONTO

ENTERTAINMENT AND SPORTS LAW

GORDON I. KIRKE, Q.C.

VOLUME 1: SPORTS LAW

1997

FACULTY OF LAW

UNIVERSITY OF TORONTO

Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/entertainmentspo01kirk_7

INDEX TO SPORTS LAW MATERIALS

		PAGE
1.	Standard Player Contract and Collective Agreements	
A.	Introductory Notes	1-1
B.	Standard Player Contracts	
(i)	Baseball: The American League	1-4
(ii)	National Hockey League	1-10
(iii)	Canadian Football League	1-17
C.	Collective Bargaining Agreements	
(i)	The National Hockey League	1-26
(ii)	The Canadian Football League Collective Agreement – Excerpts	1-48
D.	Incentive Clauses	
(i)	National Football League	1-60
E.	Assignment of Contracts	
(i)	Washington Capitols Basketball Club Inc. v. Barry	1-65
(ii)	Notes	1-71
F.	Termination of Contracts	
(i)	Canadian Football League Notice of Termination	1-72
(ii)	Termination by Club: Neilson v. Vancouver Hockey Club Ltd.	1-73
(iii)	Termination by Player: Alabama Football Inc. v. Greenwood	1-85
G.	Entitlement in Event of Injury	
(i)	Excerpts from a Summary of Termination due to Injury Arbitrations	1-94

			PAGE
		(ii) Robitaille v. Vancouver Hockey Club	1-101
	H.	Avoidance due to Age	
		(i) Toronto Marlboro Major Junior "A" Hockey Club et al v. Tonelli et al	1-116
2.	Arbitration		
	A.	Collective Bargaining Agreements – Arbitration	
		(i) The National Hockey League	2-1
		(ii) The Canadian Football League	2-4
	B.	Article – "A Survey of Grievance Arbitration Cases In Major League Baseball"	2-12
	C.	Article – "Play Ball: Baseball Arbitration After 20 Years"	2-33
3.	Immoral Conduct in Sports		
	A.	Drug Use	
		(i) Introductory Notes	3-1
		(ii) NBA Anti-Drug Program	3-5
		(iii) Article – "Sports Policies Towards the Use of Drugs by Players"	3-13
		(iv) Notes on Baseball Arbitration Ruling on Drug testing clauses	3-17
		(v) Baltimore Orioles Voluntary Drug Testing Program	3-20
		(vi) Notes on National Football League - Arbitration Rulings on Drug Tests	3-28
		(vii) Note on Drug Testing in Canadian Amateur Sports	3-34
		(viii) Article – "Hill vs. NCAA: Drug Testing Goes to The State Supreme Court	3-37

			PAGE
	(ix)	Canadian Policy on Penalties for Doping in Sport	3-41
	(x)	Article – "Law and Athlete Drug Testing in Canada"	3-48
B.	Gambling		
	(i)	Excerpt from the NBPA Constitution	3-89
	(ii)	Molinas v. National Basketball Association	3-90
	(iii)	Settlement Agreement and Stipulation of Dismissal for Pete Rose	3-93
	(iv)	Articles on the history of misconduct in sports	3-96
	(v)	Student Subjected to Hostility Files Lawsuit Over Hazing	3-98
	(vi)	Harassment and Abuse in Sports – Excerpts from "Players First": A Report Prepared for the Canadian Hockey League by Gordon I. Kirke, Q.C.	3-101
	(vii)	Sexual Harassment: Female Athletes' Experiences And Coaches' Responsibilities	3-110
	(viii)	Restrictions on Sponsorship – Bill C-71	3-115
4.	Discipline and Judicial Review		
	(i)	Article – "Sporting Decisions: Should the Courts Participate?"	4-1
	(ii)	Article – "Reynolds v. International Amateur Athletic Federation: The Need For an Independent Tribunal in International Athletic Disputes"	4-3
	(iii)	Vancouver Hockey Club Ltd. v. 8 Hockey Ventures Inc.	4-24
	(vi)	Cases and Notes	4-34
5.	Violence in Sports		
	(i)	The Queen v. Ciccarelli	5-1
	(ii)	Article – "Tough Sentence Warning to Player"	5-19

			PAGE
6.	Inducing Breach of Contract		
	(i)	Greig v. World Series Cricket	6-1
	(ii)	Article – "Russians Take Offensive in War of Words with NHL"	6-23
	(iii)	Notes	6-25
7.	Remedies for Breach of Contract		
	(i)	Warner Brothers Pictures, Inc. v. Nelson	7-1
	(ii)	Winnipeg Rugby Football Club v. Freeman	7-5
	(iii)	The Dan Ainge Contract	7-8
	(iv)	Detroit Football Company v. Dublinski (O.H.C.)	7-15
	(v)	Detroit Football Company v. Dublinski (O.C.A.)	7-29
	(vi)	Notes	7-35
8.	Restraint of Trade		
	A.	Common Law	
		(i) Nagle v. Feilden	8-1
		(ii) Greig v. World Series Cricket	8-5
		(iii) Notes and Cases	8-15
	B.	International	
		(i) Union Royale Belge des Sociétés de Football Association et al v. Jean Marc Bosman	8-16
	C.	Anti-Trust Issues and Collective Bargaining	
		(i) Competition Act	8-43
		(ii) Flood v. Kuhn	8-44
		(iii) Notes and Cases	8-60

			PAGE
	(iv)	Article – "1991 Shaping Up as a Banner Year for Sports Antitrust"	8-61
	(v)	Article – "Baseball's Antitrust Exemption: The Pitch Gets Closer and Closer"	8-66
	(vi)	Article – "Baseball's antitrust exemption considered – again – in Congress	8-82A
D.	Canadian Junior Hockey		
	(i)	Herbert v. Shawinigan	8-83
	(ii)	Greenlaw v. Ontario Major Junior Hockey League	8-86
	(iii)	Notes and Cases	8-88
E.	Limits on the Granting and Movement of Franchises		
	(i)	Introductory Notes	8-89
	(ii)	Levin v. National Basketball Association	8-90
	(iii)	Los Angeles Memorial Coliseum Commission v. National Football League v. Oakland Raiders	8-93
	(iv)	City of Oakland v. Oakland Raiders	8-111
	(v)	Edmonton Northlands v. Edmonton Oilers	8-122
	(vii)	Edmonton Northlands v. Edmonton Oilers Hockey Corp. (C.A.)	8-140
9.	The Player's Agent		
	(i)	Introductory Notes	9-1
	(ii)	Warren v. Mendy	9-7
	(iii)	Article – "Sports Agents Representing Professional Athletes"	9-26
	(iv)	Article – "States Revamp Defense Against Agents"	9-42

		PAGE
(v)	Article – "Update: 19 States Target Sports Agents"	9-48
(vi)	Article – "The Need to Regulate Sports Agents"	9-52
(vii)	The Standard Representation Agreement between NFLPA Contract Advisors and Players	9-76
(viii)	Article – "Athlete agent legislation and regulation update"	9-78
(ix)	Article – "Flood of proposed state legislation crowds the athlete agent regulation picture"	9-80
(x)	Article – "Uniform state agent regulation law efforts finally are underway"	9-82